

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

A regular meeting of the Economic Development & Energy Committee was held in the Rose Y. Caracappa Auditorium at the William Rogers Building, Veterans Memorial Highway, Smithtown, New York on **February 16, 2001** at 2:00 P.M.

**MEMBERS PRESENT:**

Legislator Jon Cooper, Chairman  
Legislator Andrew Crecca, Vice Chair  
Legislator Ginny Fields  
Legislator Martin Haley

**ALSO IN ATTENDANCE:**

Paul Sabatino, Legislative Counsel  
Alice A. Amrhein, Commissioner, Department of Economic Development  
Kevin Duffy, Budget Review Office  
Gordian Raacke, Citizens Advisory Panel  
Gerard J. McCreight, Aide to Legislator Jon Cooper  
Todd Johnson, County Executive's Office/Intergovernmental Relations  
Dr. Clifford Bragdon, National Aviation Transportation Center  
Kevin O'Hare, Aide to Legislator Andrew Crecca  
Ellen Martin, Aide to Presiding Officer Paul Tonna  
Laura Cassell, Catholic Charities  
Denis Demers, Catholic Charities  
Jan Jamiroz  
Sr. Brigid Penney, Catholic Charities  
Edwin M. Kennedy, Catholic Charities  
All Interested Parties  
Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

***(The meeting came to order at 2:15 P.M.)***

**CHAIRMAN COOPER:**

I'd like to welcome everyone to the February 16th, meeting of the Economic Development and Energy Committee. Legislator Haley, if you can please lead us in the Pledge?

SALUTATION

**CHAIRMAN COOPER:**

Before we get to the resolutions, we have a couple of guests here that I believe would like to address the committee. We have Doctor Clifford Bragdon from the National Air Transportation Center. Doctor, would you please come up? Good afternoon.

**DR. BRAGDON:**

Good afternoon, I appreciate the opportunity to be here and meet with the committee and share with you some of the work we've done on what's called a Route 110 Corridor. And to give you a little background, I was Director of the National Aviation Transportation Center working with Doctor Lee Koppleman from the Long Island Regional Planning Board to do a study to look at Long Island, specifically from an economic development, a planning standpoint and look at Route 110 as an economic hub. And this is really a very important hub, as you know in Suffolk County. In fact, it has more employment along the Corridor of 110 than any other single road in all of Long Island. I want to thank the Towns of both Babylon and Huntington because they were involved in the help -- assisting in the funding of this project, including the supervisors and their governmental bodies for regional effort. I also want to commend the Suffolk Legislators both Legislators Postal and Cooper for introducing legislation in support of important planning studies involving the 110 Corridor. I believe Suffolk County's Legislature is really the regional government for the county and we've dealt with such regional issues as water protection, farmland and open space preservation. But we also need to do the same for transportation planning. Gridlock is the number one problem affecting development in the United States and it involves a cost of one billion dollars in each day in lost economy. So this is something that's really regional. It affects not only Suffolk County and all of its inhabitants but it effects the State of New York,

in terms of economic development. There have been some planning mistakes in the past; it did involve in trying to separate transportation from land use. The purpose of our study, the Route 110 Corridor was to look at the Corridor as an economic development engine that needs to be restarted and put propane or, at least, premium gasoline in it rather than water, to be sure it could link transportation issues with land use.

The phase one of this report of the Regional Study was meant to be sort of let's think out loud and think what we can do to make Route 110 a more comprehensive economic development engine and let's set the boundaries. In other words, build a picture frame to put ideas into it and we needed to think about every conceivable way of undoing gridlock on Long Island and specifically the 110 Corridor. We had no previous position. We weren't road pavers. We weren't transit people. We weren't any specific interest group. We were looking at it collectively between the Long Island Regional Planning Board and the National Transportation Center. So from that standpoint, this report is really a thinking out loud document, a concept plan of looking at the potential land use and transportation options, no solutions but options, for this process. And we decided to look at the Corridor as a 24-hour event. Very few studies in the United States look at spaces of 24 activity. They look at it, as from 9 to 5, 7 to 6 or whatever. But we feel land or space in this case is worth so much and it's finite. We have to look at spaces, a 24-hour potential opportunity, not 8, not 12, not 16. So we wanted to look at land but in terms of multiple purposes, what can be used? How the land can be used for industrial, commercial, residential, educational, recreation, mix use development.

We've basically segregated our uses in society today, so we have stringent boundaries but mixed-use development sharing spaces was one of things we defined. We wanted to deal with transportation is to deal not only with the traffic issue but all other methods of transportation solutions. So we didn't want to have one solution and so we think of it as an orchestra. If you're going to play in an orchestra, you just don't need the, obviously, the percussion or the violin section and right now, most of our transportation is one thing, it's highways or roadways. So that's like playing in an orchestra with just trumpets or brass section without looking at the whole symphony orchestra. We want to make a symphony orchestra for Route 110 and frankly, what's been done now; it's a highway Corridor built with concrete to serve one purpose to moving private vehicles through a Corridor. So our approach was to open that whole gambit up to look at all modes of transport. Look at it at a 24-hour basis and look at land uses with transportation, as opposed to two isolated approaches.

Some of the solutions or at least proposals we have, in terms of phase one to look at an express bus system, for example. A light rail system and a share -- which is called, Share a Car Program. Now that's a whole new technology. It's spread throughout Europe now that ownership of cars is changing. In other words, a business or transit stop location will have a series of vehicles and you take your smart car, get in that car -- into the car with your smart car and you go certain distances for a certain purpose. So you don't park your car for one day with three hundred and fifty horsepower engine at twenty-five or thirty thousand dollars and sits for that time. It's used on a time demand basis and this is now spreading throughout the United States too, so we're looking at that. A Share a Car Program as an alternative to having a stable of cars parked in the parking lot for 8, 9, 10 hours a day.

Well a theme of the study was transforming the Corridor from a thoroughway of passing cars into a Techway of integration. So we wanted to use interactive communication technology. We wanted to look at recreational Corridors that could be used for walking, bicycling and a new system that you're going to hear about, which is called the IT System, which is going to be on 60 minutes in a couple weeks, which is called individual transport. It's a whole new system of movement. It's going to change how patterns of people go from one point to the other. That's the one thing that's been invented and MIT is looking at it right now. So we wanted to look at all these things but we also want to look at such things as education to see if we're going to change the delivery of education using the, for example, the 110 Corridor. Can we have universities electronically use in a distance learning environment? So you don't have to go to a physical campus with bricks and mortar and the answer is yes. So these are things we wanted to look at.

Now, what we did and the importance of our phase one project was to open the door to look at options and we wanted to look at options, in terms, of what's below the ground, what's on the ground, what's in the air. We want to look at things as a 24-hour basis. We want to look, not at land use but space, because land is a surface issue. We want to look at arial surfaces of the sub surface opportunities. So phase two, which is what we're trying to get support

from the county here, in terms of the legislative body is to go into precise intermodal transportation land use recommendations for the area, before we talked about concepts. Now we want to move into recommendations to undo the gridlock to maximize business opportunity. To insure we protect the environment, we use new technology and we use modal means of which we can transport ourselves from point A to point B. That's not saying we're getting rid of the automobile. What we're doing is complementing the automobile, in terms of methods of transport.

One example to give you is that we build such things like the Huntington Station where you have a high rise parking facility but now those parking facilities can be used for 6, 7, 8, 9, different things. For example, in Chicago they have built a library, a school and a church into a parking garage. They have built commercial space. They have built facilities to maintain and manage automobiles, so John if you're trying to get your car repaired? Let's say you want to get the new inspection? You can drive it in the parking garage and they'll take care of your inspection while your car is in that stable, so to speak, for 2 or 3 hours. So the idea is to use mix use, joint use, adaptive use, 24 hour use of space and not have people shuffle all over the place to go from errand A to errand B. So the idea here is to insure that transportation works and it's not a gridlock point but an opportunity. So what are we going with that? We were trying to use -- do a developed, what's called a Spatial Management Plan. It looks at the space as a -- not land but space as a 24 hour activity. It looks at things that are above the ground, on the ground and below the ground. So we're looking at such things, for example, is a fiber optic cabling system in an economic development tool to bring potential monies through the area? For example, Long Island Railroad is looking at developing a whole fiber optic system along the backbone of the Long Island Railroad, which will be a way of connecting, in terms of telecommuting and other means for industries that will be in this Corridor. We want to do the same thing for Route 110.

Now, in terms of what can we introduce here that could be a new technology that could be important to us and one thing is we don't understand these things. We take a fixed report and how many people read reports very thoroughly? Not many of us. But visual methods are a way of trying to help in the communication process. As Director of the NAT Center, I developed and actually had basically patented by the US Patent Office, an intermodal system of linking all modes of transporting in the Steven Spielberg for transportation or land use or anything else. It's the first patent the United States has ever given to link all methods of transportation in a seamless simulation way. It was awarded the ninth most significant invention for the 21st century by Newsday. It's the only one in the United States dealing with transportation. So I was pleased that Newsday ranked it as a ninth most significant, along with Sony Corporation, MIT, Three M. Corporation and several other, Lucent. So this technology is a way of trying to help communicate to the public, communicate to the legislative body, communicate to perspective clients, businesses, how we can look at problems to work towards solutions.

What I brought today is a video, which will run about 5 minutes, if I can indulge you that long, to show you how we could use simulation to identify issues. For example, not only on 110, we did the 347 Corridor for the State DOT to look at the issues but then we need to get into the solution. So this is what I call a Steven Spielberg or George Lucas approach to looking at transportation, not as entertainment but as a business. And so, if we could show this and we'll turn the sound off because I think it's best, good, to do that. We'll get started and I'll give you a little play by play of it by standing, if I could, standing over here and we're waiting for this to get to the front part. But this is exciting to be able to have a tour rather than a blueprint, which bores people or a technology that is a beautiful rendering but doesn't tell you interactively anything what's happening.

Okay, now we're about ready to start. Okay, we're going to start off by saying that Dowling College and the National Aviation Transportation Center is really a Center developed for holistic thinking. I came from Georgia Tech and working on the Olympics with President Carter and Andrew Young to develop the NAT Center in intermodal transportation. You know, obviously it is on Long Island and it's in the center of Suffolk County and the whole point was to be ecumenical by linking or holistically linking all methods of transportation together and what you'll see here is that the language spoken is intermodal, the linking of all modes of transportation in a system. This is what I've developed. That laboratory and what I'm going to do is very quickly show you projects. This is for Boston Logan International Airport. Instead of a fixed rendering or blueprints, we can do all kinds of things by rotating the airport. In this case, there's a transit line that is linking to the airport. Here is a -- this is a

potential guideway system next to the UN, it doesn't exist and we created it as a way of looking at what ifs, trying to look at solutions and potential problems. This is in Puerto Rico, a transit line. What it would look like and what it was before and then after. So we can think of a movie with several endings and then let the citizens, the Legislature, the public participate in solutions or at least in getting opinions.

Now, this is the William Floyd Parkway and what we're doing here is we're flying into the entrance of the National Aviation Transportation Center by car. This was the first continuous flow intersection in the United States ever built. It saves, from an air quality standpoint, about forty percent of pollution and increases traffic flow by about twenty five to thirty percent. The concept here is we can do navigation over air, land or water and this is a barge and think of this as a mouse and that's the eye point. So we can go on a magic carpet anywhere you would like to go to look at an issue. So it's not drawing up a video or even a film that Spielberg would make. This gives you a mouse, a chance to go anywhere you want to go. So you can ask any questions and all of sudden the mouse will take you up, make you look down. If you want to go to a citizen's sub-division and see what the noise impact, air quality, light pollution, electromagnetic radiation, MTBE, whatever it is, it all can be shown. Now, this is 347, interesting enough. This was the first time in the history of the United States anybody ever animated in three dimensions, traffic flow. Before, you would get a report saying the road is congestion and the congested in the level of traffic is what's called level E or F, which means it's gridlock. Well, here you can see it. We can put input to this to show you any kinds of conditions, any times of day and if you want to look, the Legislature wants to look ten years ahead for a specific road system, we can show you that. Or we can show you with improvements what it would be. Now, this is a project we've been doing for the Governor of Florida and also for the airport in Orlando International, is to bring a Maglev, a magnetic levitation system to the airport. Now, you can say that would never happen. Well, we're building one right now in Florida. We'll go two hundred and fifty miles an hour. We planned this for Long Island. We could go basically from Riverhead to New York City with eight stops in 35 minutes but nobody wanted to support it. So now it's being built in Florida. Now for the riders building, which is if you've been to Times Square, it's almost open. It's the three Times Square building. We did the simulation. The first virtual ribbon cutting of a building that we know in the United States and we created this out of the ground in front of the Governor, the Mayor and Charles Gargano and about four hundred people at New Amsterdam Theatre. But just think of this as a tool to help people in economic development for Suffolk County. What do we have? What could we have? It becomes a literal tool for assisting in planning solutions, as opposed to planning problems and if you get into a debate about an issue and you're looking at a blueprint, you can't solve that. But if you have something like this to work with and you have a mouse to render through something, people can say, let's look at it this way, let's look at it that way. So it gives you a tool. It facilitates dialogue.

Now, here's an example. For example, in terms of the county, let's say for county planning, you're looking at a permit for a blue -- for a housing development or just a residence. What does it look like in relationship to a blueprint? Well, we're creating it three dimensionally, right out of the blueprint. You'll see the house being created. In a minute, you'll see a car pulling out of the driveway. So that the point here is we can look at building permit applications, construction permits, zoning applications for large-scale developments, rather than looking at a model on the table that's constructed out of balsa wood or some material, you can actually see it. Drive through it. Go through it. Go up, go down, go through, learn totally about it. So here's an example of a business development. Again, think of this tool for the county, in terms of looking at opportunities to construct alternatives, A, B and C, on a specific, a particular parcel. This is showing a rendering from a blueprint. It's coming out of the ground and then you'll see the flow, circulation flow within given space and you'll see how it goes from that development. And this is being used now, as a tool, rather than any kinds of -- well, blueprints are still required obviously for construction but not for communicating to the public or dealing with even semi-technical people who are trying to get a greater perspective and the Legislature is a group that would certainly have that perspective, trying to look at this in a regional way. So these are just examples.

I've got one or two more here that you'll see in a minute that will deal with construction and this is an office complex that wasn't built. This was done all on the computer and it's so easy to use, because you can go anywhere you want to go with your mouse. You can go inside. You can go through it or on top of it and for the Olympics in Atlanta, we did this. We developed and that's why the United States got the bid in 1996, for the Olympics because we



build electronic three-dimensional interactive model. And we had Prince Rainer and the Duke of Edinburg using a mouse to go from swimming to equestrian. I mean, first time in the history anybody has ever done anything like that. So we want this technology to be used here. This is our home court, so to speak and we want to encourage the Legislature to do this and it's a fourth phase too. Now, this is a rendering; we did a simulation for Route 110 to show what one key intersection was and you're very familiar with this. This is 110 by the Northern State Parkway and all of a sudden, you're seeing this coming down from an aerial photograph here. In a minute, you'll see little -- looks like mice or little dots going along and those are cars moving. So we're coming now like a helicopter right out of the sky and this is on a GIS System. It's much more sophisticated but you could use the GIS, which has been started here and move this into this technology. But this is where we're going to be one year, two years, three years from now. Now, you'll see car movements and what we're doing is we're coming down like a magic carpet all the way down to Route 110. In a minute, you'll be in one of those cars and all we're doing is we're moving our mouse, so we can go anywhere we want to. This is just showing you as a result of video taping off our computer what we created. Now, there's the Northern Parkway and here's Route 110.

Now, we're looking at such issues as safety. Look at the light poles of the light systems and telephone poles, how closely they are to the road, in terms of access. The access points of getting in and off the roadway, very, very unsafe, in terms of the distances that are necessary. So we're looking at some of the choke points as to how these can be improved relative to making Route 110 a more usable road system. But all we're trying to do is show this technology for the first time, not only on Long Island, the first time in the State of New York. We presented this in January, to ten thousand people in Washington D.C., at the National Transportation Research Board annual meeting and it was a hit of the comforts. These are all the officials from all the states and planning, engineering, architecture from government and business and this was the hit of the conference, because it showed -- it went from a radio to a television, now to HTV or into what we call intermodal simulation and this is just showing all the types of technology. And we produce this what you're seeing here in one week, one week and fortunately, the NAT Center had incredible equipment available, which I was able to secure through working again with the federal government and other groups. But that facility is available as an access point to do some of the work that we're talking of.

The last simulation is one for an airport and it's how you turn an airport into an intermodal economic development engine; where we link rail, to aviation, to roadway and we're doing this for Senator Shelby, who is the Chairman of the Senate Appropriations Committee for Transportation of the U.S. Senate. He's from Alabama. I've set up an arrangement since I taught at Auburn and also Georgia Tech and up here to be that center to connect what we're doing and this is a national effort here to look at these linkages. So every facility we have in the county, in the state, need to be looked at, in terms of mixed use, joint use, 24 hours a day, not just daytime, all modes of transportation. So we're looking at an orchestra, not the woodwind section or the brass or the percussion and to make this holistic rather than just focused on roads. We can't build any roads. Los Angeles tried that. Seventy percent of Los Angeles is paved today. It never worked and so we don't want to pave Suffolk County or anybody else with this technology. We want to use this, in terms of called sustainable planning for the 21st century.

So this is a wrap-up just to show you that we can go into a terminal or into any space, so we can go out, in, up, down, under and we want to not use the word land use in the future but use the word space use, because that's three dimensional. And we don't want to do land use plans because that just deals with what's on the ground, not what's on the water or what's below the ground or what's in the air. MTV's is going to be a terrific issue, for example, coming up in terms of potential carcinogenic effects into our water supply and so we can demonstrate the groundwater infiltration in three dimensions and we can look at that, in terms of electromagnetic radiation. But to turn to the positive side, looking to the future is really what we have. All this has been done and it's all animated but it's just a video of some of our footage. So rather than to spend any more time, I want to thank you and I'll be glad to answer any questions.

**CHAIRMAN COOPER:**

Doctor Bragdon, thank you very much. The technology is quite impressive clearly. I'd just ask if you could provide a little bit more elaboration on what you hope to accomplish. What the goal was of the phase two of the study?

**DR. BRAGDON:**

The goal of phase two is go from what we had is a list of and I might -- let me -- these can be handed out. It's sort of a summary. Phase two is to go from -- phase one is to look at the various options of transportation that could expedite the facility of movement. Now, phase two is coming up with actual practical solutions. In other words, all these things are now going to have to be looked at, in terms of the actual context of the location and so now we will study specifically and use simulation as a tool to do it. How does this fit? How does that fit and so we want to look at choke points, so to speak. In other words, critical locations within 110 that are really affecting the movement. So we're going to select specific locations with the assistance of the county, with the assistance of the planners from Huntington and Babylon to see what are the most restrictive choking points and then let's look at various options that could be applied here. And then once we have those options, we want to render those into the scenes and then we want to go to T21, which will be the Transportation Equity Act, which will be up for renewal next year and go for funding. In other words, we're talking about getting twenty, thirty, forty, fifty million dollars that can be applied to this Corridor as a pilot demonstration. But what we need to do is to show we've done our homework to be able to be in a position to get the funding from the federal government and also get matching from the state and then hopefully, the county will assist in a very small matched piece to this process.

**CHAIRMAN COOPER:**

I'm looking at the various potential future modes of transport that you list and some of these I can fairly easily conceptualize it on Route 110. But for example, light rail, where would you envision that physically being placed?

**DR. BRAGDON:**

Okay, the light rail issue is trying to see if we could potentially dedicate one lane or put it in an elevated system through the 110 Corridor. In other words, instead of an HOV lane that appeals to a very small percentage of drivers, if we have the cooperation of the business associations and all, which we've met. We've met with them and they want to endorse ways in which we can commute between the two stations and use a transit connection between there. Whether it be a bus lane or a light rail system and those would have to be {costed} out. But all we want to do is to see in the air rights, for example, could something be done that could be an alternative to having more and more cars put into that system. We have now more cars than drivers in the United States. We have one point three automobiles per driver. We have more automobiles than -- fifty percent more than any other country in the world and we can't keep stuffing automobiles into a system that needs alternatives to ensure that they work. So the specific answer will be studied. We'll actually look to see -- we have the CAD Drawings from the State DOT and we'll try to see if there could be a fit, for example, of a light rail system that could connect between the two stations. So those will be themes of what our work would be dealing with.

**CHAIRMAN COOPER:**

Now what potential mode of transport that I know that has been kicked around in Huntington, informally for some time was the possibility of a monorail system? Is that one of the -- I'm not sure what you mean by tube express? But is monorail one of the technologies that you're looking at?

**DR. BRAGDON:**

That is correct. When we talked about a light rail system, it could be in a monorail mode. It could also be, in what I used to call a streetcar as a kid or a trolley or light rail. For example, I'm doing a project for Atlanta now and having a light rail system and old fashion trolley cars, like in New Orleans and San Francisco linking to Hartsville Airport. The number one airport in the world. So they're using that for tourism, economic development to create character as opposed to create basically a franchised big box city, which is very impersonal. The tube express, which you saw there is a tube system that's now going to be used between Mexico and the United States to handle trucks. The gridlock going between NAFTA U.S. and Mexico. It takes anywhere from eight to thirty six hours to cross the border in a truck and so we're looking at using a tube express system that can use the loads of containers on very small platforms. It can be shipped equivalently through that in about fifteen minutes using computers and logistics. So they are looking at border crossing and we're even looking at, now up in the border between New York and Canada. So all kinds of opportunities.

**CHAIRMAN COOPER:**

And did phase one include any cost estimates for any of these modes or would that be part of phase two?

**DR. BRAGDON:**

That's part of phase two. In other words, once we look at alternatives and we get participation in this process. We want consensus among the people that we'd be working with. That's why we want to simulate options and come up better. We will have cost. Once those costs are determined, then we would be submitting proposals to get the funding for those projects. So it's not coming out of anyone's coffer, so to speak but it would be diffused.

**CHAIRMAN COOPER:**

Legislator Haley.

**LEGISLATOR HALEY:**

You talked about T21 monies and obviously a hope that the county might come up with some monies. Would that be a requirement of T21?

**DR. BRAGDON:**

Well T21 does require a local match but that match can be state dollars and they can be also, when they say local, it means anything beside the federal government. Most T21 grants require a twenty percent match but in the State of New York, for example, many times that is fifteen percent of that twenty percent is state funding. Five percent is usually matched by local government. Whether it be a town, a municipality, a village or county. But that match does not have to be in dollars. It can be in personnel. It can be in labor. So there are creative matches that can be used for that process.

**CHAIRMAN COOPER:**

Any other questions? Legislator Fisher. I'm sorry, Legislator Fields. I'm doing the same thing that Paul Tonna does now. Sorry about that.

**LEGISLATOR HALEY:**

I confuse them too.

**CHAIRMAN COOPER:**

Okay, Doctor Bragdon, thank you very much.

**DR. BRAGDON:**

Thank you.

**CHAIRMAN COOPER:**

Fascinating presentation. There be no other speakers at this point; let's move on to the resolutions. First we have tabled resolutions. I believe that IR 2227 has been withdrawn for lack of a sponsor. We'll move on to IR 2286 adopting Local Law to require Power Plant emission evaluations. I believe that this resolution has to be tabled because the public hearing is still open.

**LEGISLATOR HALEY:**

Motion.

**CHAIRMAN COOPER:**

Second. All those in favor? Opposed? The resolution is tabled.

**TABLED RESOLUTIONS:**

**I.R. NO. 2286-00 (P) Adopting Local Law to Require Power Plant Emission Evaluations. (Legislator Vivian Fisher)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Next we have I.R. 2318 suspending Non-Brookhaven Town Pilot Payments pending appeal of Gowan Decision.

**LEGISLATOR HALEY:**

Mr. Chairman?

**CHAIRMAN COOPER:**

Yes?

**LEGISLATOR HALEY:**

I think 2318 is being withdrawn. If not, it should be withdrawn. Because what I've done is I've simply -- I created another resolution, which you'll see further down, which is 1069 which is a reverter clause. So that one, 2318 is withdrawn.

**CHAIRMAN COOPER:**

Very good. Thank you. Next IR 2321 adopting Phoenix Financial Recovery Program for Long Island.

**MR. SABATINO:**

This is Legislator Binder's proposal to reactivate his plan from a year ago, which was to try to settle all of the light bulb litigation, which has now been reactivated by the Gowan Decision, by giving Nassau County a hundred million dollars to settle the entire tax certiorari dispute on that basis.

**LEGISLATOR HALEY:**

Motion to table.

**CHAIRMAN COOPER:**

Second the motion. All those in favor? Opposed? The resolution is tabled.

**I.R. No. 2321-00 (P) Adopting Phoenix Financial Recovery Program for Long Island. (Legislator Allan Binder)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Next we have introductory resolutions, IR 1027 directing the County Department of Economic Development to implement accounting requirement for the Downtown Revitalization Program. Actually on the agenda, it was typed incorrectly.

**LEGISLATOR HALEY:**

I have a totally different bill for 1027.

**CHAIRMAN COOPER:**

Trust me on this one. Could we have an explanation?

**MR. SABATINO:**

This is Legislator Caracciolo's legislation to require an accounting, in effect from all of the organizations that ultimately receive downtown revitalization money. So for example, what he's looking for in his legislation is a verification of the monies being spent for the purposes that are outlined and a verification that the prior years funds were, in fact, spent for that purpose. Then the other details are the accounting would be provided to the County Executive, the Comptroller's Office, the Legislature, Budget Review and annually you would take a look to make sure that the money is being used for those purpose and if they're not, then they will be disqualified from getting money in the future.

**CHAIRMAN COOPER:**

Legislator Fields.

**LEGISLATOR FIELDS:**

Don't we do that already?

**MR. SABATINO:**

Not statutorily. This was something that Legislator Caracciolo, I think, discussed at one of the other committees, just in a general sense, in terms of talking about organizations that received money in the county. It may have been an outgrowth of the bill that was done a year ago on the Public Safety Revenue Sharing where towns and villages get sales tax revenues from the county, for public safety purposes but don't necessarily use them for those purposes.

**LEGISLATOR FIELDS:**

What I'm saying is we don't actually -- is someone watching where the money is being spent and if it's being spent and how it's being spent?

**CHAIRMAN COOPER:**

Alice, would you like to talk to this?

**MR. SABATINO:**

Well, I'm confident that's being done. It's just not statutorily but I would expect it's being done administratively.

**MS. AMHREIN:**

I always consider these the mystery items. Yes, we do that. Every time we give out a grant, we require that documentation come back about where the expenditures were made and this did come up as, legislative counsel mentioned at another committee meeting and since that time, we've actually put charts up on our website. So if any Legislator wants to know the status of any of the downtown projects, you can go to the website and you could see exactly where the project is at any given time. It will probably be done with like a two-week lag in posting the information.

**LEGISLATOR FIELDS:**

So if we were to give money to a downtown last year, we could look in the website and find out that that money has been spent and how it's been spent?

**MS. AMHREIN:**



You could find out whether they've actually spent it or whether it's still -- a lot of these projects are Capital Projects, so it's taking a longer time to spend the money. Like I have two municipalities who are out buying -- municipalities are buying street lights based on what the chamber wanted and they would be putting them in until the spring. But we know where -- we know what they're doing or when they spend the money, we get copies of all the receipts and then we -- once we know they've spent the advance, then we issue a second advance. They don't get a second payment until they spent the first money.

**CHAIRMAN COOPER:**

Question?

**LEGISLATOR CRECCA:**

What happens in a case where if you had a situation, where someone hasn't complied with the grant, i.e, either haven't used the money for what it was granted for, you really haven't had that situation yet?

**MS. AMHREIN:**

No, actually I have had that situation.

**LEGISLATOR CRECCA:**

Is it a situation where we're not issuing any more money or are we requiring repayment or --

**MS. AMHREIN:**

We had given them an advance that I've recently determined that they are not going to go ahead with the project that they originally submitted. And I'm sending them a letter requesting they return the advance to us and if we don't get the advance, I'll refer to the County Attorney and they will not be eligible for any more money until we get that money back.

**LEGISLATOR CRECCA:**

Have you notified the Legislator whose district that is?

**MS. AMHREIN:**

Yes.

**LEGISLATOR CRECCA:**

Okay. I was just asking, because it would be a good idea if they stay on top of it too.

**MS. AMHREIN:**

That's the only one I've had so far, where after the grant was awarded that they are not going ahead with the project. We had another one where they didn't -- they ran out of time. It was not a member item but in that case, they did send us the check back with the money that we had advanced them.

**LEGISLATOR CRECCA:**

I was going to say from what I'm seeing here, I would just like to ask one more question. Do you -- I don't see the need for this but you being the person in the front line, so to speak, so you see a need for this or is it just duplicative?

**MS. AMHREIN:**

I can't say that I really see a need for it but I don't have any problem with it.

**CHAIRMAN COOPER:**

Okay.

**LEGISLATOR CRECCA:**

I'll second the motion to table it. Thank you, I do appreciate your candidness.

**CHAIRMAN COOPER:**

All those in favor? Opposed? This resolution is tabled.

**INTRODUCTORY RESOLUTIONS:**

**I.R. NO. 1027 (P) Directing County Department of Economic Development to implement Accounting requirement for the Downtown Revitalization Program.**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Next we'll move on to IR 1034 establishing Suffolk County Aquaculture Committee in connection with programmatic dispute.

**LEGISLATOR FIELDS:**

Motion to approve.

**LEGISLATOR CRECCA:**

Explanation?

**MR. SABATINO:**

It was tabled in the Environment Committee only because the sponsor, I think, suggested

that he wants to make additional changes. However, having said that, the goal of the legislation is to react to that group of clambers who came before the County Legislature about a year ago, alleging that there's a misuse of clam beds out in Peconic Bay and Gardiners Bay, based on some organization that apparently is bankrupt that allegedly didn't get the right permits from the State DEC. But since it's a very complicated issue and nobody has been able to resolve it, what the sponsor is proposing is to form a committee to hold hearings, take testimony and see if there's some solution that will get a grip on what the actual problem is and see if there's a proposed solution to resolve it.

**LEGISLATOR CRECCA:**

Mr. Chairman?

**CHAIRMAN COOPER:**

I was going to suggest that but since we're not prime and since the resolution is in the process of being modified that we just table this resolution.

**LEGISLATOR CRECCA:**

Actually, I'm going to make a motion to defer to prime, since it does sounds like it's a rather complicated issue.

**LEGISLATOR FIELDS:**

I withdraw my motion to approve.

**CHAIRMAN COOPER:**

Okay.

**LEGISLATOR CRECCA:**

Yes, I just want to make a motion to defer to prime and let them deal --

**CHAIRMAN COOPER:**

I see. All those in favor? Opposed? The resolution is deferred to prime.

**I.R. NO. 1034-1 (Non P) Establishing Suffolk County Acquaculture Committee in connection with Programmatic Dispute. (Legislator George Guldi)**

**VOTE: 4-0-0-0 DEFER TO PRIME**

**CHAIRMAN COOPER:**

Next we have IR 1069 imposing reverter clause on Non-Brookhaven Town Pilot Payments pending appeal of Gowan decision. Legislator Haley.

**LEGISLATOR HALEY:**

Mr. Chairman, as part of the original settlement for LIPA, the Town of Brookhaven agreed to give up their pilot payments. Those pilot payments, as you know, amount to nearly eight million dollars and to be allocated to the nine other towns. In particular instances, you're aware of affordable housing so on and so forth. That's part of the deal. Now what happens is there's no particular reverter clause in the original settlement. All I'm asking for is that should the Gowan Decision not be reversed and stands that the Brookhaven gets -- because obviously, they're probably going to be in a hole for many, many more millions. They just get back the pilot payments they gave up for the benefit of the original deal, which would be a normal course of, I guess, any agreement but it doesn't exist. And what originally, the reason I withdrew 2318, 2318 would have suspended paying any of those monies but rather than hold up any affordable housing initiatives, all that it would simply say is that at the end of the day, the whole thing is reversed to whatever extent we expended Brookhaven's Pilot Payments, we will reimburse them and I would imagine if that ever took place it would be a bondable situation. Is that correct counsel?

**MR. SABATINO:**

Because of the magnitude of everything, I would believe that will all be wrapped into one huge bond.

**LEGISLATOR HALEY:**

Right. So it's just memorializing the reverter clause that probably should have been part of the original agreement. Because if the whole thing is undone, technically the town would have to go after the county or whatever to get those monies back. Not necessarily to those specific towns that got money because that's how the county distributed it. But the county would deserve to get our settlement -- our monies back that we gave up for the benefit of the settlement. I have sense of the resolution regarding that, a timeframe. Again, I don't want to discuss the litigation here but --

**MR. SABATINO:**

That's a question that can be discussed in the open. Apparently, based on the schedule that the parties are following, which is not a fast track schedule, the Appellate Division won't be dealing with this issue until probably a year from this spring. So the Court of Appeals -- you're probably talking eighteen months altogether before you get a final decision on a

current track that's being followed.

**LEGISLATOR HALEY:**

Right. Normally the fair thing would be to hold up any expenditure funds but I don't want to do that. I would expect at the end of the day that, you know, the Gowan Decision would be overridden but I'm not -- you know, you never know. But just in case, you know besides the multi-millions of dollars that the town would be liable for, I think, they should get their eight million that they, you know gave up for the benefit of the original settlement. I'd like to make a motion to approve that.

**CHAIRMAN COOPER:**

Is there a second?

**LEGISLATOR CRECCA:**

I'll second the motion.

**LEGISLATOR FIELDS:**

I think I'd like to make a motion to discharge without recommendation just so that we can get it out on the floor for the entire Legislature.

**LEGISLATOR CRECCA:**

You know what? I'll withdraw my second and second Legislator Field's motion. It's not a bad idea and we can hash it out there. It's certainly something that I think the whole Legislature is going to want to discuss anyway. Thank you.

**CHAIRMAN COOPER:**

All those in favor? Opposed? Motion is discharged without recommendation.

**I.R. NO. 1069-1 (P) Imposing Reverter Clause on Non-Brookhaven Town Pilot Payments pending appeal of Gowan Decision. (Legislator Martin Haley)**

**VOTE: 4-0-0-0 DISCHARGED WITHOUT RECOMMENDATION**

**CHAIRMAN COOPER:**

Now, we'll move on to the sense resolutions. Sense 101 memorializing resolution requesting Town Tax Assessors to create Task Force to administer property taxes.

**LEGISLATOR CRECCA:**

I have a question for counsel on this. I did take a quick look at it and just explain to me again, what this Task Force is created for or what we're requesting?

**MR. SABATINO:**

This was one of the nine or ten recommendations that came out of a Real Property Tax Commission that was formed several years ago to look at property taxes in Suffolk County and on Long Island and this particular recommendation from that series would ask the ten Town Assessors in Suffolk County to join with Nassau County to -- if Nassau County is interested in participating to basically take a look at whether or not uniform standards of assessment should be adopted by all taxing jurisdictions within the County of Suffolk. We currently have ten individual towns.

**LEGISLATOR HALEY:**

Motion to approve. Was there a motion already? I'm sorry.

**CHAIRMAN COOPER:**

No, there wasn't. All those in favor? Opposed? The resolution is approved

**SENSE RESOLUTIONS:**

**Sense 101-2000 (P) Memorializing resolution requesting Town Tax Assessors to create Task Force to administer property taxes. (Legislator Angie Carpenter)**

**VOTE: 4-0-0-0 APPROVED**

**CHAIRMAN COOPER:**

Sense 124 memorializing resolution requesting LIPA and PPL Kings Park secure local approval for Kings Park Power Plant. I'd like to make a motion to table that subject to call.

**LEGISLATOR FIELDS:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? The resolution is tabled subject to call.

**Sense 124-2000 (P) Memorializing resolution requesting LIPA and PPL Kings Park, LLC to secure local approval for Kings Park Power Plant. (Legislator Jon Cooper)**

**VOTE: 4-0-0-0 TABLED SUBJECT TO CALL**

**CHAIRMAN COOPER:**

Sense 125 requesting that Richard Kessel resign from the Nassau Interim Finance Authority. I make a motion to table that resolution.

**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? The resolution is tabled.

**Sense 125-2000 (P) Memorializing resolution requesting that Richard Kessel resign from the Nassau Interim Finance Authority. (Legislator George Guldi)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Sense 126 requesting U.S. Attorney of the Eastern District to investigate the 25 million-dollar diversion of LIPA ratepayer monies to Nassau County. Motion to table.

**LEGISLATOR CRECCA:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? The resolution is tabled.

**Sense 126-2000 (P) Memorializing resolution requesting the US Attorney of the Eastern District to investigate the 25 million dollar diversion of LIPA ratepayer moneys to Nassau County. (Legislator George Guldi)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Sense 127 requesting the New York State Comptroller to investigate the 25 million-dollar diversion. All those in favor? Opposed? The resolution is tabled.

**Sense 127-2000 (P) Memorializing resolution requesting the New York State Comptroller to investigate the 25 million dollar diversion of LIPA ratepayer moneys to Nassau County. (George Guldi)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Sense 128 motion to table. Requesting the Attorney General --

**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

Thank you.

**Sense 128-2000 (P) Memorializing resolution requesting the Attorney General to investigate the 25 million-dollar diversion of LIPA ratepayer moneys to Nassau County. (Legislator George Guldi)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Sense 137 memorializing resolution requesting LIAP to bury all existing and future overhead utility lines serving the North Fork and Shelter Island.

**LEGISLATOR FIELDS:**

Motion to table.

**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? Sense 137 is tabled.

**Sense 137-2000 (P) Memorializing resolution requesting LIAP to bury all existing and future overhead utility lines serving the North Fork and Shelter Island. (Legislator Michael Caracciolo)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Sense 1 memorializing resolution requesting the State of New York to fund biotechnology research. Explanation please?

**MR. SABATINO:**

This is based on -- the state is currently proposing to fund a certain level of biomedical research and genetic research for biotech companies on Long Island. The current amount is approximately five hundred million dollars, at this level. This is asking the Legislature to approve the investment of, at least, two hundred and fifty two million dollars of biotechnology research for the same categories on Long Island.

**LEGISLATOR CRECCA:**

Motion to approve.



**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

Second. All those in favor? Opposed? Sense 1 is approved.

**Sense 1-2001 (P) Memorializing Resolution requesting State of New York to fund Biotechnology Research. (Legislator Michael D'Andre) Co-Sponsor's Legislator Jon Cooper, Legislator Andrew Crecca, Legislator Ginny Fields, Legislator Martin Haley**

**VOTE: 4-0-0-0 APPROVED**

**LEGISLATOR FIELDS:**

I'd like to be a co-sponsor.

**LEGISLATOR CRECCA:**

Myself also.

**CHAIRMAN COOPER:**

For the whole committee, please. Moving on to the Procedural Motions, Procedural Motion Number 1 authorizing funding for the Route 110 Redevelopment Corporation. I make a motion to approve.

**LEGISLATOR CRECCA:**

This is for fifty thousand?

**CHAIRMAN COOPER:**

Yes.

**LEGISLATOR CRECCA:**

Where is the money coming from? I'm sorry, I just want to --

**MR. SABATINO:**

It's coming from the Legislature's separate account that you have for studies, consultants, reports.

**LEGISLATOR FIELDS:**

What's the amount? The full amount that's in that?

**LEGISLATOR CRECCA:**

Yes, what kind of draw is this going to take off that account. Or maybe Budget Review could answer that? Whoever, it doesn't matter.

**MR. DUFFY:**

It's approximately eight hundred thousand.

**MR. SABATINO:**

Eight hundred, my recollection was eight hundred thousand.

**CHAIRMAN COOPER:**

Do we have a second? Going once, going twice? Do you want to sit through another ten-minute video? Legislator Fields, did I see you raise your hand?

**LEGISLATOR FIELDS:**

Motion to table.

**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? The resolution is tabled.

**PROCEDURAL MOTIONS:**

**Procedural Motion No. 1-2001 (P) Authorizing funding for the Route 110 Redevelopment Corporation. (Legislator Maxine Postal)**

**VOTE: 4-0-0-0 TABLED**

**CHAIRMAN COOPER:**

Procedural Motion Number 2 authorizing retention of a Consultant Study in Economic Development Opportunities. I make a motion to table.

**LEGISLATOR HALEY:**

Second.

**CHAIRMAN COOPER:**

All those in favor? Opposed? The motion is tabled.

**Procedural Motion No. 2-2001 (P) Authorizing retention of a consultant to study Economic Development Opportunities for Suffolk County Route 110 Corridor. (Legislator Jon Cooper)**

**VOTE: 4-0-0-0 TABLED****CHAIRMAN COOPER:**

Procedural Motion Number 3 extending retention of Citizens Advisory Panel for LIPA Oversight. Is there anyone here that would like to speak to that issue? Gordian? Welcome.

**MR. RAACKE:**

Good afternoon.

**LEGISLATOR CRECCA:**

Thirty dollars he's talking about.

**MR. RAACKE:**

For the record, my name is Gordian Raacke, Executive Director of the Citizens Advisory Panel. You should have a handout entitled Citizens Advisory Panel application to the Suffolk County Legislature. Before you, it also has a yellow sheet attached to it. I can -- I just put down some of the background information about CAP just in case you wanted to see that. But we can skip over that part and let me just go straight -- cut straight to the chase here on page three. We're talking about our funding request for 2001. As you know, within the originally funded by the Rico Court Settlement, we had a three hundred thousand dollar annual budget, which allowed us to have three staff members, including myself.

Last May, that Rico funding expired and the County Legislature has entered into a contract, as of last May, to provide funding to us. Last year, the funding was a hundred and fifty thousand dollars. As you can see in the little chart here that amounts to about twenty thousand dollars per month, because the funding didn't start until May or we didn't start working on until the middle of May, actually, last year under the County Contract. We had submitted a funding request that would bring us back up to the staff level that we were at before three staff members and I have to tell you that even with three people, it is a stretch to keep track of a utility company with two and a half billion dollars in revenue and dozens and dozens of staff people.

Presently, we have two people on staff and we're not able to keep up with the workload. Things have been falling between the cracks and I had to admit it but there are a lot of things that we should be keeping track of and that we have not, which is a dangerous thing. We're proposing to get back up to the three hundred thousand dollar funding level, which would be an annual average of twenty five thousand. However, I've been told that is not a possibility this year and if that is not a possibility, what I'm here to tell you today is that we may be able to squeeze by and get at least a part time staff member and I have to again crunch those numbers and see whether we can do it or cannot do it. We may be able to squeeze by, at the present level, with two hundred and fifty thousand. But you have to realize that giving us two hundred and fifty thousand dollars for this year comes to a monthly average of about twenty thousand. So that would keep us at about the level that we were at last year. So in order to hire that extra staff person that I really need, I'm going to have to make some serious cutbacks in other areas and there's not a whole lot to cut on a budget like this.

I should also say that there are some major issues coming up this year that we didn't have last year. One of them is a proposal to buy -- a proposal by LIPA to take over and buy all of KeySpan's power plants. There are, of course, numerous proposals on the table to build new power plants on Long Island. You should see the preliminary scoping statements that I have on my desk. I was going to bring them here today but I couldn't do that without a handcart, so I measured them. We have about two feet of proposals that I have to go through and analyze for you.

We have a number of other developments at LIPA that warrant investigation. I don't know whether you heard already but this morning, Chairman Kessler held a press conference and announced that LIPA is raising it's rates by five point eight percent for now and also delaying a payback of the Shoreham debt, which of course is going to cost consumers even more money in the long run, because we will end up paying more interest. They are not calling it a rate increase, by the way, they're calling it a surcharge to avoid full public scrutiny that we would otherwise have and should be having in a full hearing before the PSC. So I think there's clearly an increasing amount of work to be done this year. Some of the decisions at LIPA will be making and the Legislature will be making this year will affect consumers to the tune of billions of dollars and for decades to come. And I'm basically, I'm not very good at asking for money or begging for money, I have to tell you but I'm concerned that without an increase in funding, we're not able to really do the work that you want us to do and that we need to do. So with that being said, I respectfully request that you consider funding us with three hundred thousand dollars and if that is absolutely not possible, with at least two

hundred and fifty thousand this year.

**LEGISLATOR CRECCA:**

Mr. Chairman?

**CHAIRMAN COOPER:**

Gordian, does this --

**LEGISLATOR CRECCA:**

No, go ahead. I was going to ask the same question.

**CHAIRMAN COOPER:**

How do you know? If -- I had a couple questions, if CAP does not receive this funding, what other oversight agencies are there? Watchdog agencies to keep an eye on LIPA and --

**MR. RAACKE:**

There are none. There's no other organization that, first of all, exclusively monitors LIPA. There are no consumer organizations or consumer advocacy organizations or ratepayer organizations presently that keep an eye on LIPA. I should tell you that LIPA gave, last year, gave two hundred and four thousand dollars from its ratepayer fund, ratepayer advocacy fund, I think they call it. A million-dollar fund that they have set aside for so called ratepayer advocacy. Instead of giving any of that money to us, they gave that money to the State's Consumer Protection Board. The State Consumer Protection Board, while I very much respect them for what they do has not even once shown up at any of the LIPA Trustee Meetings, has not been involved in any LIPA issue ever since getting that money. So there's nobody at the moment that keeps an eye on them.

**CHAIRMAN COOPER:**

What funding did you receive from Nassau County last year?

**MR. RAACKE:**

We did not receive any funding and frankly, last year, I was here making the case for an appropriation from the County Legislature and at that point, I was still hopeful that we would be getting some funding from them, because they should be funding half of, you know, the other half of our budget. Because LIPA, of course, LIPA decisions affect ratepayers in both counties. But frankly, after we went out and were very critical and instrumental in discovering the miss-appropriation of twenty five million dollars from LIPA's Clean Energy Fund, which went to Nassau County. I don't have a lot of friends in Nassau County Government at the moment. I do not expect any funding, at this point, from Nassau County in the near future.

I should also add that, of course, we're not working in any way for the Nassau County Legislature or the Nassau County Executive. I have not been in touch with them ever since we got funding here. Of course, if a consumer were to call and we picked up the phone, the first question we ask is not do you live in Suffolk County or in Nassau County. But if a Legislator were to call, I would tell them I cannot help you, because we're being funded exclusively by the Suffolk County Legislature.

**CHAIRMAN COOPER:**

One thing that I would appreciate Gordian, if we do pass this resolution, is that more of an effort be made to keep this committee apprised of the work that you're doing. And would it be possible for you to issue quarterly reports, let's say, to us on the projects that you're working on?

**MR. RAACKE:**

Absolutely, I would like to do that. Going forward, I would like to come before the committee and report on the work -- even in monthly, if that's feasible. I'd like to keep all of you apprised of what is happening, because I think it's very important for you to know what the issues are and what we're working on.

**CHAIRMAN COOPER:**

Thank you. Legislator Crecca.

**LEGISLATOR CRECCA:**

I guess my concern sort of follows up from Legislator Cooper's, in a sense that, you know in the last year, I know we recently received a phone call from your office and I know we didn't hook up but prior to that. I haven't and maybe it's passed over my desk and I haven't seen it but I don't know of anything the CAP, I'm not saying -- I know you've done things. Just that as a Legislator and funding, I guess, we funded a hundred and fifty thousand this year. I'm not sure what it is the CAP has done. I know it's certainly -- what in the last legislation that, I think, I approved the funding for this. You know, I know what the purpose was but I just, I guess, my concern is what are we getting for our dollar and would we might be better off

spending, I'm just challenging you, I'm not saying I'm not going to vote for this necessarily but we might be -- are we better off having somebody on own internal staff for that type of money? You know, acting that way, I just don't know what we're getting for our dollar here and last year we funded a hundred and fifty. Is that correct?

**MR. RAACKE:**

Correct.

**LEGISLATOR CRECCA:**

The legislation before us today what I show is -- I know you're asking for three hundred but it says two hundred or am I reading it wrong?

**MR. RAACKE:**

We had submitted a funding request in October of last year for three hundred thousand.

**LEGISLATOR CRECCA:**

Okay. The legislation that's before us that we're being asked to vote on today is for two hundred thousand, just so you're aware.

**MR. RAACKE:**

That's correct.

**LEGISLATOR CRECCA:**

Okay and I'm am not really -- you've mentioned that you'd like three hundred, you could live with two fifty. But if we approve this, even if we do approve this, it's only two hundred. Are you aware of that?

**MR. RAACKE:**

I'm aware of that. What I'm saying is that at two hundred thousand for one year, we're actually -- our budget is actually being cut back. Because that amount, as you see in this chart here on page 3, that amounts to only sixteen thousand, about sixteen thousand, seven hundred dollars average per month, which is less than what we had last year and at that level, I don't know how we're going to keep, you know how we can --

**LEGISLATOR CRECCA:**

Well, what is it that -- with the twenty thousand a month that you had last year, can you just and I don't -- just give us an idea what it is that you did and how that benefited us?

**MR. RAACKE:**

Absolutely. I can give you an idea. For example, I mean a lot of the things involved with viewing documents that LIPA produces. For example, a lot of times we submit requests to LIPA for information. LIPA then submits the information to us and we review it. The case in point, the budget for this year, the LIPA budget for 2001 had an increase, a vast increase and it went from about two point one billion dollars to two point five billion dollars. That's a huge budget. We go in and we look at that budget proposal. One of the things we found was that LIPA experienced tremendous fuel cost overruns that they were planning to pass through to consumers. Today, this morning, as a matter of fact, Richard Kessler announced that there will be passing through about a hundred and twenty five million dollars to consumers and that they will be also delaying the repayment of debt, as I said earlier. That's some of the things that we analyze. We submit FOIL Freedom of Information Law requests to LIPA asking, for example, of the compensation levels of their employees. We found that the average LIPA employee costs ratepayers over a hundred and twenty thousand dollars. We go after them, question them why that is so high? So we're trying to save consumers and ratepayer's money by being a watchdog over what the agency does.

**LEGISLATOR CRECCA:**

I think, again, I mean what are the results of that? We did the same thing in the Consumer Affairs Committee last year. We had Richard Kessel there. He testified. People from LIPA were there talking about the increased fuel costs. So again, where is the added benefit to have your group do it as opposed to just doing it as a government function. It's a lot of money. That's why I'm concerned.

**MR. RAACKE:**

Well that's -- you know whether you're better off to have internal staff doing that or external. That I cannot answer, of course. That's, of course, your judgment. I believe we work very efficiently and you know ultimately are worth our keep. I'm going to give you one additional example of what we've done in the past. It's on appeal now but we discovered at the previous budget review at LIPA that LIPA did -- that KeySpan did not pay the full amount that they were supposed to pay back to ratepayers under the ten-year Rico Agreement. A



total of three hundred ninety million dollars was supposed to be paid back to consumers. We discovered that that was not the case. That they had only paid back a reduced amount. That they had cheated consumers out of twenty two million dollars. We brought that before the court, class counsel made a motion before the court to get that money reimbursed. We won that in court. Judge Weinstein ruled that that money has to be returned to consumers. That's currently on appeal. I'm very confident we are going to win that. So that's a twenty-two million-dollar judgment plus interest. It comes to over thirty million dollars. That I would say we can pretty much take credit for it.

**LEGISLATOR CRECCA:**

That's the kind of things -- the other thing too is I am concerned too that this is the first I'm hearing about that and when I say hearing about it from your organization. So either one of the things too, I'd like to know is I think it's a good idea to get quarterly or monthly reports if we are going to move forward on this. I prefer that.

**CHAIRMAN COOPER:**

Legislator Haley, I think he has a question.

**LEGISLATOR HALEY:**

We understand there's equal representation on the LIPA Board between Nassau and Suffolk. Now, there might be equal representation in individuals that have been appointed to that board. The question I have of you, do you think there is, in fact, equal representation between Nassau and Suffolk on the LIPA Board? The reason I say that is because Richard Kessel was from Nassau. I understand the Chairman of the Finance Committee and the Chairman of the Personnel Committee are also from Nassau. Obviously, the committee makeup's and/or assignments carry different weight from one another.

**MR. RAACKE:**

I think you're right. I think Suffolk County does not have the representation it ought it have on the LIPA Board. I think Nassau County -- well, just take the incident of the twenty-five million-dollar payment. Suffolk County did not get such a payment, not that I'm advocating that it should. But I think, even just given the fact that LIPA's Headquarters is located in Nassau County and that Richard Kessel has a very close relationship with many movers and shakers in Nassau County. It makes Suffolk County kind of the stepchild here.

**LEGISLATOR HALEY:**

Mr. Chairman? Counsel, you recall I did a Sense Resolution last year asking for equal representation, which called for every couple of years changing the Chairman position and I think it also looked at the Finance Committee and the Personnel Committee?

**MR. SABATINO:**

Absolutely. That was last year, yes.

**LEGISLATOR HALEY:**

Could we restate that again, in another Sense Resolution for this year?

**MR. SABATINO:**

For this year? Just --

**LEGISLATOR HALEY:**

To look for better representation and not only that, could we restate that and ask if this committee is willing to perhaps do this together and ask that Nassau provide fifty percent funding for CAP, okay?

**LEGISLATOR CRECCA:**

I certainly would support asking that. I don't have high hopes but I think they should be getting funding.

**LEGISLATOR HALEY:**

Well, you know we've got to keep up the pressure because what's happened -- we're not getting the representation that we should out of LIPA. So you know -- we stated it, if that's all right with you, okay? Thank you.

**CHAIRMAN COOPER:**

Good suggestion. Any other questions? Legislator Fields.

**LEGISLATOR FIELDS:**

Legislator Crecca, I've had the opportunity to call on Gordian, maybe on two occasions where LIPA came into an area of my district and people were really upset about it. Had I not had him to consult with and find out, you know, what we can do, I don't know what I would have

done. So you know, I guess, sometimes you -- when someone is out there and you find out about it and you can reach out and you use their resources, you're very aware of it. But I just wanted to share that with you and let you know that if that were to happen in your district, he has been very helpful and having said that, I will make a motion to approve.

**LEGISLATOR CRECCA:**

If I can just make a comment? I don't disagree with you and Gordian, please don't think -- I know of the reputation of your group and all that and I haven't had that situation in my district. I think one way to maybe resolve this for next year is to have and we can discuss this with the Chairman and the Presiding Officer. Whether it's a committee that's going to oversee and have a regular sense of communication with CAP. But I want to monitor the contract and make sure that we're getting what we're paying for and I don't doubt that we are.

**LEGISLATOR FIELDS:**

More of reporting.

**LEGISLATOR CRECCA:**

Yes, you know probably that's what it's going to take. So I mean, one of the things I'm told by counsel, the contract comes after approval of such a motion? Is that what would happen?

**MR. SABATINO:**

Right, the contract from last year expired. It's a one-year contract. We never do more than one year at a time. So if this resolution is approved after it's adopted, we would then do another contract for the upcoming year. The contract will provide for this committee to be the overseer, the supervising entity to give direction and basically, supervise what the CAP is doing.

**LEGISLATOR CRECCA:**

Okay.

**CHAIRMAN COOPER:**

There's a motion to approve. I second that motion. All those in favor? Opposed? The resolution is approved.

**Procedural Motion No. 3-2001 (P) Extending retention of Citizens Advisory Panel for LIPA Oversight. (Legislator Jon Cooper)**

**VOTE: 4-0-0-0 APPROVED**

**CHAIRMAN COOPER:**

There being no further business before the committee. I wish you all good afternoon. That you very much.

***(The meeting was adjourned at 3:30 P.M.)***

{ } Denotes spelled phonetically